

**UNITED STATES DISTRICT COURT  
District of Maine**

**DANIEL ONEIL RUFFIN,**

**Petitioner**

**v.**

**JOSEPH FITZPATRICK, et als.,**

**Defendants.**

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**No. 1:14-cv-00453-GZS**

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on August 12, 2015, his Recommended Decision (ECF No. 19). Defendants filed their Objection to the Recommended Decision (ECF No. 20) on August 27, 2015.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Plaintiff's Motion to Amend (ECF No. 15) is **GRANTED**.
3. It is hereby **ORDERED** that Defendants' Motion to Dismiss (ECF No. 12) is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. Plaintiff's claims for monetary damages against Defendant Department of Corrections and against the individual Defendants acting in their official capacities is **DISMISSED**;
- b. Plaintiff's due process claim is **DISMISSED**;
- c. Plaintiff's claims against Commissioner Fitzpatrick are **DISMISSED**;
- d. Defendants' Motion to Dismiss (ECF No. 12) is otherwise **DENIED**.

/s/George Z. Singal  
U.S. District Judge

Dated this 25<sup>th</sup> day of September, 2015.